

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
PAUL W. GRIMM
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
(301) 344-0670
(301) 344-3910 FAX

March 26, 2018

RE: *Sakala v. Milunga*
PWG-16-790

LETTER ORDER

Dear Parties:

On November 20, 2017, Defendants Bernadette Tembo Milunga and Kaingu Milunga filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6). ECF No. 76. Defendants attached twenty-four exhibits to their motion, ECF Nos. 76-3 – 76-26, and Plaintiff Faith Sakala's Opposition also included exhibits, ECF Nos. 82-2 – 82-5. Because I have considered these attachments, this motion is construed properly as a motion for summary judgment. *See* Fed R. Civ. P. 12(d). I have reviewed the Motion and I find there are genuine disputes of material fact that cannot be resolved on the filings. Therefore, the Motion, ECF No. 76, **IS DENIED** and this case will proceed to a bench trial as scheduled. *See* Fed. R. Civ. P. 56(a), (c)(1)(A); *see also* *Baldwin v. City of Greensboro*, 714 F.3d 828, 833 (4th Cir. 2013).

Ms. Sakala's Second Amended Complaint alleged ten counts against the Defendants. ECF No. 10. In her Opposition to Defendants' Motion to Dismiss, she withdrew Counts I through V, which pertained to her allegations of human trafficking, and she clarified that she is not stating claims for intentional misrepresentation or intentional infliction of emotional distress. Pl.'s Opp'n 1 n.1. Therefore, the only counts that are proceeding to trial are as follows:

- Count VI: Violation of the Fair Standards Act, 29 U.S.C. §§ 201–19, as to both Defendants;
- Count VII: Violation of the Maryland Wage and Hour Law, Md. Code Ann., Lab. & Empl. §§ 3-401–3-431, as to both Defendants;
- Count VIII: Violation of the Maryland Wage Payment and Collection Law (“MWPCL”), Lab. & Empl. §§ 3-501–3-509, as to both Defendants;
- Count IX: Breach of Contract as to Ms. Milunga; and
- Count X: Unjust Enrichment as to Mr. Milunga.

The parties are reminded that the Joint Pretrial Order and a Binder of Trial Exhibits are due on **Monday, April 2, 2018**. ECF No. 78. Exhibits must be highlighted to facilitate my review of what the parties contend are the portions they consider most relevant. The exhibits must be in one or more binders, no wider than three inches, and each exhibit in a separate numbered tab. A table of contents of exhibits shall be included.

In addition, the parties will submit by **Friday, April 6, 2018 at 4:00 p.m.** letters to the Court summarizing the law supporting the arguments that they intend to rely on at trial. The

letters must not exceed five-pages, single spaced each, unless otherwise requested by the parties and agreed to by the Court.

Although informal, this is an Order of the Court and shall be docketed as such.

Sincerely,

/S/
Paul W. Grimm
United States District Judge

jml